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HOUSE OF COMMONS  
First Session—Twenty-fourth Parliament  
1958

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STANDING COMMITTEE  
ON  
**RAILWAYS, CANALS AND  
TELEGRAPH LINES**

*Chairman:* GORDON K. FRASER, ESQ.

MINUTES OF PROCEEDINGS AND EVIDENCE

No. 8

Bill C-52, An Act to amend the Railway Act

TUESDAY, AUGUST 19, 1958

WITNESSES:

The Honourable George Hees, Minister of Transport; *From the Board of Transport Commissioners for Canada:* Mr. C. D. Shepard, Chief Commissioner; Mr. R. Kerr, General Counsel; and J. E. Dumontier, Director, Engineering Branch.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.  
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY  
OTTAWA, 1958



STANDING COMMITTEE  
ON  
RAILWAYS, CANALS AND TELEGRAPH LINES

*Chairman:* Gordon K. Fraser, Esq.,  
and Messrs.

Allmark,	Fisher,	McPhillips,
Asselin,	Garland,	Monteith ( <i>Verdun</i> ),
Badanai,	Grills,	Nielsen,
Baldwin,	Hales,	Nixon,
Baskin,	Hardie,	Pascoe,
Batten,	Horner ( <i>Acadia</i> ),	Payne,
Bigg,	Horner ( <i>Jasper-Edson</i> ),	Phillips,
Bourbonnais,	Howard,	Racine,
Brassard ( <i>Chicoutimi</i> ),	Howe,	Rouleau,
Brassard ( <i>Lapointe</i> ),	Johnson,	Rynard,
Bruchési,	Keays,	Smallwood,
Brunsdon,	Kennedy,	Small,
Campbell ( <i>Stormont</i> ),	LaRue,	Smith ( <i>Calgary South</i> ),
Chevrier,	MacInnis,	Smith ( <i>Simcoe North</i> ),
Chown,	Martini,	Tassé,
Creaghan,	McBain,	Taylor,
Crouse,	McDonald ( <i>Hamilton</i>	Thompson,
Drysdale,	<i>South</i> ),	Tucker,
Dupuis,	McIlraith,	Webster,
English,	McMillan,	Wratten—60.

J. E. O'Connor,  
*Clerk of the Committee.*

## ORDERS OF REFERENCE

SATURDAY, August 9, 1958.

*Ordered*,—That the name of Mr. McIlraith be substituted for that of Mr. Michaud on the Standing Committee on Railways, Canals and Telegraph Lines.

MONDAY, August 18, 1958.

*Ordered*,—That the following Bill be referred to the Standing Committee on Railways, Canals and Telegraph Lines:

Bill No. C-52, An Act to amend the Railway Act.

TUESDAY, August 19, 1958.

*Ordered*,—That the name of Mr. Small be substituted for that of Mr. MacEwan on the Standing Committee on Railways, Canals and Telegraph Lines.

Attest.

LEON J. RAYMOND,  
*Clerk of the House.*

The Standing Committee on Railways, Canals and Telegraph Lines has the honour to present the following as its

### TENTH REPORT

Your Committee has considered the following Bill and has agreed to report it without amendments:

Bill C-52, An Act to amend the Railway Act.

A copy of the Minutes of Proceedings and Evidence relating to this Bill is appended.

Respectfully submitted.

G. K. FRASER,  
*Chairman.*





## MINUTES OF PROCEEDINGS

TUESDAY, August 19, 1958.

The Standing Committee on Railways, Canals and Telegraph Lines met at 2:05 p.m. this day. The Chairman, Mr. G. K. Fraser, presided.

*Members present:* Messrs. Badanai, Brunsden, Drysdale, English, Fraser, Garland, Grills, Howe, Keays, Martini, McIlraith, Pascoe, Rynard, Small, Smith (*Simcoe North*), Tassé and Webster—(17).

*In attendance:* The Honourable George Hees, Minister of Transport; *From the Board of Transport Commissioners for Canada:* Mr. C. D. Shepard, Q.C., Chief Commissioner; R. Kerr, Q.C., General Counsel; and Mr. J. E. Dumontier, Director, Engineering Branch.

The Chairman observed the presence of quorum and called for consideration Clause I of Bill C-52, An Act to amend The Railways Act.


The Minister was introduced to Members of the Committee and he, in turn, introduced officers of the Board of Transport Commissioners.

Following the questioning of Mr. Shepard, Clauses I to III inclusive, the Enacting Clause, the Title and the Bill were adopted and the Chairman instructed to report the Bill without amendment.

At 2:45 p.m. the Committee adjourned to the call of the Chair.

J. E. O'CONNOR,  
*Clerk of the Committee.*





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## EVIDENCE

TUESDAY, August 19, 1958.  
2 p.m.

The CHAIRMAN: Gentlemen, I see a quorum. Today we are on Bill C-52, an Act to amend the Railway Act. We have the Minister of Transport with us, and I am going to ask the minister to say a word.

Hon. GEORGE HEES (*Minister of Transport*): Well, if you wish me to, Mr. Chairman, thank you very much. As you know, this bill was put through the resolution stage in the house last night for the first and second readings, and then went up for examination here in this committee.

If there are any questions you would like to ask on the various sections, technical questions, or anything else to do with this whole matter of railway crossings, Mr. Shepard, the Chief Commissioner of the Board of Transport Commissioners and members of the board are here, and if you would like to ask any questions as we go along, Mr. Shepard will be very glad to supply the information. I am sure.

The CHAIRMAN: On clause 1, gentlemen.

Mr. SMITH (*Simcoe North*): When Mr. Gordon was giving evidence before the committee on the government owned railways, aircraft lines and ships, the question of reflective markings on the sides of railway cars came up, and if I remember correctly what Mr. Gordon said was that he did not want to have any part of it, or words to that effect, because of the number of railway cars that came in here from American lines; and that, in fact, a train would then have possibly part of the train marked with reflective markings on the sides of the cars, and the other part not, which might lure people into thinking it was a break.

The CHAIRMAN: Gentlemen, Mr. Shepard, Chairman of the Board of Transport Commissioners for Canada is here, and I will ask him to answer that question.

CLARENCE D. SHEPARD, Q.C., (*Chief Commissioner, Board of Transport Commissioners for Canada*): Yes, Mr. Chairman, I think the short answer to the question is that partial protection is better than none, of course. On the point that the questioner just made—

Mr. SMITH (*Simcoe North*): That was not my comment, that was Mr. Gordon's.

Mr. SHEPARD: This is a matter, I might explain to the committee, that has been under active consideration by the Transport Board in our operating department for several years. We have had representations from many groups in Canada to do something about this. We have discussed it with the railways in an endeavour to persuade them to do it, but the difficulty we ran into there was that it was a costly procedure for the railways to embark upon, although in principle they accepted it.

I do know particularly the Great Northern Railway in the United States, based on St. Paul, has not only done an extensive amount of studying on the reflectorizing of the sides of cars, but they have actually taken on the job of painting the sides of their cars with reflectorizing paint. They feel this is having a good effect in reducing accidents. It is for this reason that the transport board is very much behind this suggestion in the bill.



The CHAIRMAN: Mr. Howe, and then Mr. Webster.

Mr. HOWE: Mr. Chairman, I wonder if—I probably should know this—but who institutes the request for grade level crossing separations to be instituted? Who starts the ball rolling in this case,—the board of transport commissioners, or the municipality, or the province, or who starts it off?

Mr. SHEPARD: Would you like me to answer that?

The CHAIRMAN: Yes.

Mr. SHEPARD: The answer to that is that it could be the Board of Transport Commissioners—under the law it could be; but the board does not and has not as a practice initiated cases which impose an unwanted financial burden on the municipalities involved. The way it works in practice is that we receive applications from a municipality, or the highway authority concerned, for a grade separation and we process it from there in collaboration with the railways. The engineering details are worked out by our engineers with the railway engineers, together with the safety aspect of the problem.

Mr. HOWE: It could be instituted by yourselves or by the municipality or even the railway companies, I suppose?

Mr. SHEPARD: That is correct sir, yes.

Mr. SMALL: The provinces could also enter into an arrangement, I think?

Mr. SHEPARD: Yes, when I referred to the highway authority this was the provincial highway authority I had in mind.

Mr. SMALL: The point—following up Mr. Howe here—the point here is, it does not happen very often that the railways inaugurate the request to have a grade separation instituted or applied?

Mr. SHEPARD: To have a grade crossing eliminated?

Mr. SMALL: Yes.

Mr. SHEPARD: No, that is correct.

Mr. SMALL: It is very seldom the railways apply for it, because they claim they have not the money for it.

Mr. SHEPARD: That is correct. In fairness to the railways, in the majority of cases where an application is made for a grade separation the railways agree to it with the applicant. The only dispute then to be settled by our board is who shall pay how much of the balance, after the contribution from the railway grade crossing fund.

Mr. HOWE: How is the balance—after the railway crossing fund, how is the balance paid off? There is so much paid out of this fund we are talking about today and how is it divided up between the railway and the municipality, after that?

Mr. SHEPARD: That depends on whether it is a case of crossing protection, which is the wig-wag type of system, or flashing lights and bell, or whether it is an underpass. If it is crossing protection the balance after the contribution under the present act of 60 per cent or \$80,000 is usually divided, 25 per cent against the municipality and 15 per cent against the railway. The maintenance costs are normally apportioned on a 50-50 basis.

The maintenance costs on highway crossing protection, the flashing lights, are relatively substantial.

Mr. HOWE: What is the cost of those again, those wig-wags?

Mr. SHEPARD: \$6,000—for a single one, depending on the size of crossing—to as much as \$60,000. Sometimes when you get a divided highway you have to have a series of them. Multiple tracks are the same way.

Mr. HOWE: There is one other question I want to ask. Has any body or person, something similar to your own board of transport commissioners, ever



made a survey of the number of separations that are going to be required in the future, and the importance of such?

Mr. SHEPARD: I think the only answer I can give to that—and it is not too direct an answer—is, that in 1954 the Board of Transport Commissioners was directed by Order in Council to conduct a study on the over-all problem of railway-highway crossings. That is available in printed form.

I think it has to be planned basically on a local basis. Each provincial highway authority—take the province of Ontario, as an example—certainly is looking ahead. The construction of this new highway between Toronto and Montreal is an example of it, where they are providing for grade separations although at the moment the highway is not even in use and perhaps will not be completed for another two or three years.

Our board, through our engineering staff, have been keeping a close liaison with all the provincial highway authorities. To that extent there is a concentration on the over-all problem, but it is of necessity geographically divided up.

Mr. DRYSDALE: Mr. Chairman, I was wondering what is the average length of time for a grade crossing application to be processed. Is it from the time of application by the municipality or the railway to the time the crossing is actually approved?

Mr. SHEPARD: I am told by our director of engineering that it takes as much as a year, which I presume means it takes less than a year on some occasions. But I think it should be made clear that a good deal of work has to be done. Before the application is filed with our board, all the engineering work has to be done.

Mr. DRYSDALE: Would there be any way of speeding this up, because in a lot of cases it is a case where public safety is involved? Bluntly, why does it take a year?

Mr. SHEPARD: Well, I think it takes a year—it is not a year in our hands; it takes a year because of the nature of the beast. When you are talking of protection, of grade separation, you have to do initial planning, you have to do engineering tests, tests of the soil to see whether it is going to hold the structure and you have to go through all the preliminary engineering work. All this must go on before the application comes before our board and the railways must agree to the form of the plan itself.

Mr. DRYSDALE: Well, who does the preliminary work, the railway or the board?

Mr. SHEPARD: The applicant does all the preliminary work.

Mr. DRYSDALE: How long does it take from the time it reaches the board after the preliminary work has been done?

Mr. SHEPARD: Well, I think it is a much shorter time. I am advised by our director of engineering that it depends on who the application originates with. If it comes from a provincial highway authority they know exactly what our requirements are and it comes in a form that can be very quickly approved. Mr. Dumontier advises me, that there is less than a month from the time received until the order is issued for the work to proceed.

Mr. DRYSDALE: Well, what else has to be done when it reaches the board?

Mr. SHEPARD: What do we do?

Mr. DRYSDALE: After the preliminary work, all the soil testing and engineering work on the crossing has already been done, what takes the board a month?

Mr. SHEPARD: Well, the board has engineering responsibilities. Our engineering staff—we have a staff of about twelve engineers—must approve

all the plans and profiles in connection with this grade separation project. In addition to that there is the question of the allocation of costs of the balance that is not paid for out of the railway grade crossing fund.

Mr. DRYSDALE: Roughly how many applications would you have in a year?

Mr. SHEPARD: For a grade separation?

Mr. DRYSDALE: Yes.

Mr. SHEPARD: There are 61 pending at the moment. There were 41 approved last year and 225 crossing protection applications.

Mr. DRYDALE: There are twelve engineers just devoted exclusively to that work?

Mr. SHEPARD: Oh no, we have pipe line jurisdiction, all crossings of railways, railway bridges, and signals.

I might say, Mr. Chairman, if the remark is not out of order, that I would be delighted to have any member of the committee come over and just see what our board does.

Mr. DRYSDALE: I would be interested, Mr. Chairman. My problem has arisen before, that there is a considerable amount of time from the initial application to the time the final direction is issued. I presume the board is doing what it can then to speed that up?

Mr. SHEPARD: We do, but we do not claim to be perfect.

Mr. WEBSTER: What type of marking do you use outside the railway cars—the same type as along the highways, the Minnesota Mining type, or would it be a paint?

The CHAIRMAN: It could be either. I have an illustration of it here. This is the Scotchlite reflector marking.

Mr. WEBSTER: That is not very expensive, is it, sir?

Mr. SHEPARD: No, it is not. I cannot quote you a more exact figure, but when you have 80,000 odd boxcars—or rather 200,000 for all railways—I was thinking of the Canadian Pacific Railway—when you apply it to that number of units it adds up.

The CHAIRMAN: It does not matter what it is, so long as it can be seen.

Mr. SHEPARD: Yes.

Mr. SMALL: It is expensive because I expect the globes are glass and the molecules—it would be difficult to put it on in a certain way so that it would withstand the weather and it comes more expensive than the reflective paint.

Mr. PASCOE: I was just wondering in regard to a crossing where there is a fatal accident, is there any regulation which will enforce an automatic signal there as soon as there is an accident?

Mr. SHEPARD: Involving injury, not just a fatal accident—in the case of any injury we have an automatic reduction in the speed by standing order of the board to 25 miles an hour, pending an investigation by our operating inspector. He goes out and makes an investigation which he files with us and the board then considers whether or not the accident was entirely the fault of the automobile, let us say, or whether the crossing is such that it should have protection; and if it should decide that it is, it proceeds accordingly.

Mr. SMALL: Following up in regard to reflective paint or reflective Scotchlite or any of those particular methods, about three years ago there was set up an organization of which Mr. Plaxton was the then head, and Mr. Ash after that, for the sole purpose of co-ordinating all this safety work throughout Canada from coast-to-coast, to try to get the provinces to come into uniformity with their signs and different devices.



They were to do the same thing with this reflective paint, and all things applicable to prevent an accident came up. Have they had a report on this, or how far have they progressed?

Mr. SHEPARD: I am advised that they expect to have a manual completed and up for approval at their meeting this coming fall.

Mr. SMALL: And what of all the provinces; have they joined in and consented as well as the municipalities?

Mr. SHEPARD: That is what I understand, yes.

Mr. SMALL: Because the problem there of putting in the advanced signals at a crossing came up, that they had to put them 1,000 feet ahead to be of any value, and you ran into trouble with the municipalities as to the upkeep, the maintenance. Also the cost of enforcement—has that been taken care of in this?

Mr. SHEPARD: That is my understanding, but I must state that this is not a matter that is directly under the jurisdiction of the transport board, although our director of operations does sit in on these meetings you speak of.

Mr. SMALL: It will not be of much value unless they have some liaison or some cooperation with your department. You will be working at cross purposes. Of course, once it is installed it is removed from you people; but you will still have something to do with the maintenance of the service on the crossing. Grade separation is not so much a problem as grade protection.

Mr. SHEPARD: We are being consulted and our jurisdiction over the actual crossing protection is well known to all the parties taking part.

Mr. SMALL: The other question I am trying to get at is, do you remember the Royal York road on the Dundas highway where there are two overpasses and the cost was pretty stiff? How was that provided for?

Mr. SHEPARD: We have not got the actual figures on that with us. I can get that and file it.

Mr. SMALL: It was a \$4 million proposition I remember.

Mr. SHEPARD: That is right, it was a double unit as far as contribution from the railway grade crossing fund was concerned. The board awarded there a \$600,000 contribution from the fund, and the bulk of the balance—although I cannot give you the figure—was paid by the city of Toronto or Metropolitan Toronto.

Mr. SMALL: Did not the province assume any of that cost; it was on number 5 highway?

Mr. SHEPARD: They might have, sir, but I have not got the figures here with me.

Mr. SMALL: And the railways would assume 15 per cent of that, would they?

Mr. SHEPARD: What very often happens—and I think this was so on the Royal York-Dundas project, if I recall it correctly—we do not come face to face in our hearings with the province. Metropolitan Toronto appears as the applicant. We make our allocation of costs, and metropolitan Toronto may or may not (it is none of our business) recoup themselves by an arrangement with the province direct, between the city and the province.

Mr. SMALL: There are a couple more questions. There was an order made to put a grade separation in Scarborough, at Midland and St. Clair, where they have had two serious accidents, one particularly one Christmas, and the next following Christmas there was another fatality happened there. There was an order made. It is nearly two years since that was approved, and there has been

no work commenced. Can you give a reason for that? Was it because the municipality would not afford the cost to go ahead with it?

Mr. SHEPARD: What was the location again.

Mr. SMALL: St. Clair and Midland Avenues in Toronto, in Scarborough township. If I understand rightly the order went through in 1956 for that grade separation, unless it has been countermanded by the municipality of the railway.

Mr. SHEPARD: It is one I am not personally familiar with, by name.

The CHAIRMAN: Mr. Small, would it be alright if Mr. Shepard checks that and lets you know?

Mr. SMALL: Yes, I just wanted to find out because it is a very bad corner. They have started the one also on Greenwood avenue. It has been two years since that was ordered, and they have started that on Greenwood avenue. What I am trying to arrive at is how much of the fund—we passed \$5 million two years ago as our contribution to the board of transport commissioners to build these crossings—how much of that is used up every year?

Mr. SHEPARD: Practically all of it. I think we have the figures here. At the end of 1957 we had practically no money, so in the three years prior to that we used the \$15 million that was in the fund.

Mr. BRUNSDEN: Mr. Chairman, has consideration ever been given to the placing of reflectors on the railway crossing signs themselves?

Mr. SHEPARD: It is provided for in this bill, sir.

Mr. BRUNSDEN: Is there any enforcement behind that? I am speaking for the prairies, I cannot recall ever seeing any with a reflector on them.

Mr. SHEPARD: You have not because up to the time this bill becomes law it is illegal. The Railway Act now requires it to be painted.

Mr. BRUNSDEN: Painted with paint?

Mr. SHEPARD: Yes.

Mr. BRUNSDEN: But it is not luminous paint?

Mr. SHEPARD: No sir, it is not.

Mr. BRUNSDEN: And at night, particularly a foggy night, you come down there and you cannot see it until you are on the track.

Mr. SHEPARD: No; quite right.

Mr. BRUNSDEN: It seems to me these reflectors could be installed at considerably less cost of the crossing signs themselves were adequately reflective.

Mr. SHEPARD: I agree with you, sir. And this is one of the things we hope will flow from the enactment of this amendment.

Mr. HOWE: One other thing I was wondering about in placing these reflective markings on the sides of railway cars; it does not say anything about maintaining them. It is just placing them on. In a year or two a lot of those will fade out or be torn off and the railway companies will say: "We put them on at the time, you can see the markings", but with regards to these railway crossing signs it says "Erect and maintain".

After these are put on once are they not to be maintained as they deteriorate?

Mr. SHEPARD: We have general powers in the Railway Act to require the railways to maintain their property generally. As a matter of fact, our operating inspectors are constantly turning in reports of defective rolling stock which the railway take; they know it is the equivalent of an order from our board and they act accordingly.

Mr. SMITH (*Simcoe North*): Following what Mr. Howe said, will this give you—I mean you can require the railways to maintain at their own expense



their equipment in proper running order, but will the proposed amendment have that affect? Do you have the powers to make them repair these reflective markings, which are put on originally partly at our expense?

Mr. SHEPARD: That would be our view.

Mr. HOWE: Well, we are contributing 60 per cent towards the maintenance.

Mr. SHEPARD: Not towards the maintenance, sir.

Mr. HOWE: Not towards the repainting?

Mr. SHEPARD: No sir. Not the way this bill is presently worded.

Mr. SMALL: I would like to find some more information out about the allotment of the costs and how it is being used and being controlled, when they are going to give \$15 million over the period of the next two or three years.

Mr. SMALL: What is concerning me more is having it used up and having it used for the purpose of making work for unemployed persons. If you decide to do a crossing and it takes a year to get it started the unemployment situation is not going to be better as far as employment at grade level crossings is concerned.

Mr. SHEPARD: My understanding is most of the provincial highway authorities have projects planned ahead. We are confident, from our experience of 1955 in the board when the formula was increased from 30 per cent to 60 per cent and the total increased from \$1 million to \$5, that we will be in this instance flooded with additional applications. There was a tremendous increase in the board's applications for grade separations following the 1955 amendment and we feel, on the basis of that experience, that the increase took place because the railway grade crossing fund was allowed to contribute 60 per cent instead of 40 per cent. Now we are proposing to increase it to 80 per cent on new projects.

Mr. SMALL: What is the division going to be for the railways and the municipalities?

Mr. SHEPARD: On grade separations each of the cases is decided on its own merits. Usually we do a certain number of tests on the railways and balance it on the municipalities and on the highway authorities.

Mr. SMALL: In the larger cities they do have difficulties, but not as much as in the smaller municipalities, in financing and there would be some instances in the smaller municipalities where they could not even afford to pay the lower amount.

Mr. HOWE: There is a highway separation crossing being built on highway No. 6 between Arthur and Mount Forest. Would you have any idea what the cost is of that?

Mr. SHEPARD: We can find out.

Mr. HOWE: And the apportionment of the cost on that.

Mr. SHEPARD: Between Arthur and Mount Forest?

Mr. HOWE: Yes; on highway six.

Mr. GARLAND: I am wondering about the status of any current applications which might be before the board.

Mr. SHEPARD: You mean how many there are?

Mr. GARLAND: How many are there and how would they be affected by this legislation.

Mr. SHEPARD: There are sixty-one now pending before the board which means they are in process, either under construction or about to start construction. There is a provision in the bill which dates it back to January 31 this year. Any of the projects which our board has authorized for a contribution from the fund since January 31 will get the increased contribution.



Mr. GARLAND: It has nothing to do with the date the application was made?

Mr. SHEPARD: No sir; the date of our order. I do know there were a number of applications where they have asked us not to issue our order because they were hoping that legislation of this kind would come forward.

Mr. DRYSDALE: Mr. Chairman, I was wondering as a matter of interest, what the statistics are as to the number of collisions between engines and cars which resulted through the cars running into the side of the train. I am thinking of this provision for reflective markings, and I am wondering what the situation was which led to this provision.

Mr. SHEPARD: Why people ran into the sides of trains?

Mr. DRYSDALE: Are there people running into the sides of trains?

Mr. SHEPARD: Yes, there are. I might make a general comment. The figure intrigues me, that only one per cent of the highway accidents take place at railway crossings. I have the figure here for the year 1957 of the number of motor vehicles which were struck by a train.

Mr. DRYSDALE: I am interested in those which run into the sides of trains.

Mr. SHEPARD: There were 51 which ran into the side of trains in 1957 in daylight hours and in night hours 109; struck by trains in daylight hours 225 and at night 152. There are relatively far more accidents at night in the case of an automobile running into the side of a train than there are in the daytime.

Mr. DRYSDALE: Why does this legislation not cover the engines?

Mr. HEES: They have lights.

Mr. DRYSDALE: The Scotchlite illustration showed a diesel locomotive with the Scotchlite on the side and yet the wording in the bill is "reflective markings on railway cars".

The CHAIRMAN: While they are looking it up, I might say this goes back to the war years because I remember bringing this up in the war years regarding painting the sides of freight cars. I think it has been brought up every session since then on account of the accidents at night, especially with freight cars.

Mr. SHEPARD: I think perhaps the only answer I can give to the last question about why is it not to be included on locomotives is that locomotives have their own lights and they have their own noise makers, both bells and whistles, and they are also usually fairly clean, much cleaner than the boxcars, and relatively easily visible.

Mr. DRYSDALE: My own personal confession is that I almost ran into the side of a locomotive myself in the middle of the city of Vancouver and it was only avoided through the engineer shining a flashlight on me. If the Scotchlite is considered to be a safety factor, I am wondering why it would not be advisable to include locomotives.

Mr. SHEPARD: I am advised that many engines have lights on the sides as well as on the front.

Mr. DRYSDALE: I thought it strange that this advertisement should merely indicate a diesel engine with the Scotchlite on the side and not boxcars.

Mr. HEES: This is something of which we can take note.

Clauses 1 and 2 agreed to.

On clause 3—Failure to erect signboards at crossings.

Mr. SMITH (*Simcoe*): I have a question on clause 3 and it is probably because I do not have the complete section 270 in front of me. It refers to the repeal of section 411 which includes the words "where words are printed in the



province of Quebec they shall be in the English and in the French languages." Unless there is more in section 270 than that which appears here, it appears that provision is being removed from 270 (a).

Mr. SHEPARD: No. Subsection (2) of section 270 is the one which you have just read, I believe. In the province of Quebec such words shall be in both the English and the French languages. It is only subsection 1 of section 270 which is being changed.

Mr. SMITH (*Simcoe*): That explains it.

Mr. SMALL: There is one question which I forgot to ask. I understood there was a penalty also for automobiles running into the cars where they have been prosecuted and brought into court for the damages incurred by them. Have you got a record? I realize that you do not look after the prosecutions.

A. No sir we have not. Moreover, when they are prosecuted it is done under provincial law.

Q. Have you any record of prosecutions against those who ran into the cars?—A. We have not, and I doubt very much if such a record is available, because they are only starting now to keep highway statistics in their proper form in the provinces.

*By Mr. Drysdale:*

Q. Have there been any prosecutions under the old section with the \$40 fine?—A. No.

Q. What was the purpose of the \$40 fine, in keeping it so low?—A. The only purpose was to make sure that the railways would realize that there would be a penalty imposed against them if they did not carry out the order of the board.

Q. Do you not think it would be more advantageous if the penalty were higher, say \$1,000?—A. Quite frankly, it has never become necessary to use it. Whether it would be better to leave it in the state it has been in now for 50 years, at \$40, I do not know. Perhaps inflation might bring it up.

Mr. DRYSDALE: Yes. I presume inflation would have that effect.

The CHAIRMAN: Clause 3 agreed to? Agreed. The Enacting Clause agreed to? Agreed. The Title agreed to? Agreed. Shall I report the bill without amendment? Agreed.

Thank you very much, gentlemen.

Before you go let me remind you that the West coast Transmission, the Mid-Continent, and Stanmount Pipe line Bills are on the Orders of the Day before the House tonight between five to six o'clock.

If they go through tonight, we shall have them on Thursday morning at 9.30. I am telling you this because I hope to see you here at that time.

